


MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras

Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras, sponsored by Council President Ervin, Councilmembers Andrews and Rice, and Council Vice President Berliner is scheduled to be introduced on November 29, 2011. A public hearing is tentatively scheduled for January 24, 2012 at 1:30 p.m.

Bill 37-11 would authorize the Police Chief, after consulting with the Board of Education, to install, maintain, and operate cameras on County school buses to monitor vehicles passing a stopped school bus. Council President Valerie Ervin explained the purpose of this Bill in a November 22 memorandum at ©4-5. Maryland Transportation Article, §21-706 prohibits a vehicle from overtaking a stopped school bus that is operating its alternately flashing red lights. The Maryland State Department of Education (MSDE) recently surveyed violations of this law throughout the State and looked at similar laws in other States. See the MSDE press release at ©6-8. Chapter 273, 2011 Laws of Maryland, effective October 1, 2011, (©9-20) authorized a local law enforcement agency to use school bus safety cameras to enforce this State law if the agency is authorized by a local law enacted by the governing body of the local jurisdiction. Bill 37-11 is an enabling act that would implement this authority in the County.

A violation of §21-706 recorded by a school bus safety camera would be punishable by a civil penalty established by Method 2 Executive regulation up to a maximum of \$250. A recorded image indicating a violation is evidence of a violation similar to a violation recorded by a red light camera or a speed monitoring camera. A person who receives a citation can contest it in the District Court. Pursuant to State law, fines paid without electing to stand trial in the District Court are retained by the County to defray the costs of the program. Fines paid after trial in the District Court would be retained by the State. A violation for which a civil penalty is imposed under this Bill would not be a moving violation for the purpose of assessing points against a driver's record under State law.

The County would have to pay the initial cost to purchase the camera and install it on a school bus. The Bill would authorize the Police Chief to use this program, however, the extent of the initial rollout would depend upon the initial cost and available funds.

This packet contains:

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Bill No. 37-11
Concerning: Motor Vehicles and Traffic –
School Bus Safety Cameras
Revised: November 21, 2011 Draft No. 3
Introduced: November 29, 2011
Expires: May 29, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ervin, Councilmembers Andrews and Rice, and Council Vice President
Berliner

AN ACT to:

- (1) authorize the use of cameras on certain County school buses to monitor vehicles overtaking a stopped school bus under certain circumstances;
- (2) authorize the Executive, by regulation, to establish appropriate penalties for a violation;
- (3) provide for enforcement of certain Maryland transportation laws in the County through the use of school bus safety cameras; and
- (4) generally authorize and regulate the use of school bus safety cameras in the County.

By adding

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Section 31-9B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 31-9B is added as follows:

31-9B. School Bus Safety Cameras Authorized.

(a) Definitions. As used in this Section:

Board means the County Board of Education.

Chief means the County Police Chief.

Violation means a violation of Transportation Article §21-706.

School bus means a bus operated by the Board to transport students.

School bus safety camera means a camera placed on a school bus that is designed to capture a recorded image of a driver of a motor vehicle committing a violation authorized by Transportation Article §21-706.1.

(b) The Chief, after consulting with the Board, may install, operate, and maintain school bus safety cameras on school busses as permitted by Transportation Article §21-706.1.

(c) A person who commits a violation recorded by a school bus safety camera is subject to a civil penalty authorized by Transportation Article §21-706.1.

(d) The Executive, by Method 2 regulation, must establish the amount of the civil penalty up to a maximum of \$250.

(e) The County must use any fines collected by the County for a violation recorded by a school bus safety camera:

(1) to recover the costs of installing, operating, and maintaining school bus safety cameras; and

(2) for public safety purposes, including pedestrian safety programs.

Approved:

LEGISLATIVE REQUEST REPORT

Bill 37-11

Motor Vehicles and Traffic – School Bus Safety Cameras

DESCRIPTION:	The Bill would implement State law authorizing the use of school bus safety cameras to monitor vehicles overtaking a stopped school bus and enforce violations of Transportation Article, §21-706.
PROBLEM:	Many drivers ignore traffic laws designed to keep children safe while traveling on school busses.
GOALS AND OBJECTIVES:	The goal is to change the behavior of drivers who ignore this traffic law and keep children safe while traveling on school busses.
COORDINATION:	Police Department, MCPS
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Civil penalty up to \$250.



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

Memorandum

To: Councilmembers
From: Council President Valerie Ervin *VE*
Date: November 22, 2011
Subject: School Bus Safety Cameras

I am requesting your support of the attached bill which would, in consultation with the Board of Education, place school bus safety cameras on County school buses for the purpose of recording motor vehicles committing violations related to overtaking and passing school vehicles. The goal of this legislation is to change the behavior of drivers who currently ignore traffic laws intended to keep our students safe while traveling on school buses. As the Council's representative on the County's Pedestrian, Bicycle and Traffic Safety Advisory Committee, I am sponsoring this bill because I believe it is a natural outgrowth of our Pedestrian Safety Initiative and our Safe Routes to School Program.

This bill would implement Senate Bill 679, Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras, passed this year by the Maryland General Assembly. This bill would allow the County to monitor and ticket drivers using video cameras mounted on the outside of school buses. Drivers caught on tape illegally passing a stopped school bus would be subject to a maximum fine of \$250.

The Maryland State Department of Education (MSDE) released a survey in February 2011 that reported that 7,028 drivers overtook stopped school buses in Maryland. As expected, the largest school systems noted the most violations. Of the overtaking violations reported, 56.9 percent were the result of oncoming vehicles passing the bus from the opposite direction; 37.9 percent of violations were from vehicles passing on the driver side of the bus; and 5.2 percent were from vehicles passing on the side of the bus with the passenger door.



I have met with Chief Manger and his officers about this issue. He reported that although the MSDE survey reported 1,645 drivers ignoring the stop arm in Montgomery County, the number of citations issued for overtaking school buses in Montgomery County is approximately 500 per year.

According to MSDE, there are currently about 560 school bus monitoring systems used in four counties: 390 in Prince George's; 133 in Montgomery; 20 in Frederick; and 27 in Kent County. These camera systems would need to be evaluated to determine if they have the capability to provide the Police Department with the technology needed to implement automated citations. The fiscal impact for adding cameras in the County would depend on the agreement negotiated with the vendor.

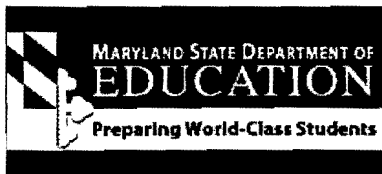
Current law provides that if a school vehicle is stopped on a roadway and is operating its flashing red lights, the driver of a vehicle must stop at least 20 feet from the school bus and may not proceed until the school vehicle resumes motion or deactivates its flashing lights. If a school bus operator witnesses a violation, the operator may report the violation to law enforcement with information to identify the vehicle and operator. The violation is a misdemeanor and carries a fine of up to \$1,000. Three points may also be assessed for failure to stop. If the identity of the operator of the vehicle cannot be established, law enforcement must still issue a warning stating that a report of a violation was made that described the owner's vehicle as involved in the violation, but that there was insufficient evidence to issue a citation.

I welcome your support of Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras, which is scheduled to be introduced on November 29. If you have any questions or suggestions, please contact my office.

Attachments:

Bill 37-11, Motor Vehicles and Traffic – School Bus Safety Cameras
Press Release from Maryland State Department of Education
Chart Comparing Bus Camera Legislation
SB 679, Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

c: Mike Faden, Council Senior Legislative Attorney
Bob Drummer, Council Legislative Attorney



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For Immediate Release Contact: Bill Reinhard, 410-767-0486



NEWS RELEASE

THOUSANDS OF MARYLAND DRIVERS VIOLATE BUS STOP LAWS, MSDE FINDS

ONE-DAY STOP ARM SURVEY BY SCHOOL BUS DRIVERS UNCOVERS MORE THAN 7,000 VIOLATORS

BALTIMORE, MD (March 15, 2011)

Drivers are bypassing the stop arms on school buses at an alarming rate, a Maryland State Department of Education-sponsored survey has revealed.

A total of 7,028 violations of school bus stop arms were recorded on a single day last month. Nearly 4,000 (3,997) were oncoming drivers who ignored the stop arm, 2,665 drivers moved past a stopped bus on the bus driver's side of the vehicle and 366 drivers passed a stopped bus on the door side. Stop arms swing out from a bus and lights flash whenever it is making a student pick-up.

"It is simply illegal to pass a bus with its stop arm extended and its lights flashing, no matter the circumstances," said State Superintendent of Schools Nancy S. Grasmick. "Our number one priority as educators – and drivers – should be the safety our Maryland school children."

MSDE coordinated the survey along with school transportation directors in all 24 systems. It is considered a snapshot of illegal activity on the roads. More than 4,712 school bus drivers took part in the survey, representing 65 percent of the school bus drivers in the State.

Large systems noted the most violators. Baltimore County school bus drivers tallied the most – 1,723 drivers ignoring the stop arm – followed by Montgomery County (1,645), Baltimore City (897), Anne Arundel (845), and Prince George's (745). Prince George's County found the highest number of door side violations, with 136.

A few small systems found no violators on the day of the survey: Allegany, Caroline, and Queen Anne's.

The survey was undertaken at the behest of a number of members of the Maryland General Assembly, which is considering several bills designed to strengthen school bus safety. The National Association of State Directors of Pupil Transportation Services is coordinating surveys of this type in all 50 States.

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State	Bus Camera Legislation - Date	Brief Description	Cameras Installed	Fines / Penalties
Maryland	SB 679 passed Spring of 2011	County governing body to authorize police agencies to work with school systems.	Varies by County. Frederick has 20 external cameras	Civil violation, no pts. \$250 fine.
North Carolina (Atkins' Law)	HB 440 took effect 12/1/2009	School officials turn evidence over directly to police who handle the violation.	Varies by County	Max pts. against the driving record and variable fines.
Rhode Island	H7755	State director must approve cameras. Districts may enter into private 3 rd party agreements.	43 cameras installed	Civil violation, no pts. \$250-500
Arkansas (isaac's Law)	Act1207 took effect 7/1/2007	27-51-1001. <i>section deals with details.</i> Person will be charged with negligent homicide if death occurs while passing a stopped bus		Max \$1,000, or 90 day license suspension + 400 hrs. of community service. Possible 30 days in prison and \$100 fine for a bus driver not reporting,
Georgia	SB 57 passed in 2011	10% of districts currently equipped with cameras. Cobb County taking the lead.	102 cameras on Cobb County buses...more on the way.	1 yr. in jail. Fine can vary from \$300-\$1,000 \$300
West Virginia	2009	Buses are equipped with external cameras.	Varies by County	\$500 fine
Connecticut	July 1, 2011	School systems work directly with police agencies.	Starts this school year.	\$450-\$1,000
Massachusetts	Pending	In current trial period with a camera vendor.		Proposed \$250 fine
Missouri (Jessica's Law)	Effective 2/2006	Section 304.050. Bus drivers work directly with police agency—does not authorize cameras, allows ticket issuance to registered owner if driver ID is unable to be made.	92 cameras in Liberty, MO. Varies by jurisdiction and funding	Max \$1,000, or 90 day license suspension

Virginia	Spring 2011	Optional for VA counties. Not mandatory. Counties install their own cameras.	Varies by county.	\$250 fine paid to the applicable school district and court costs.
Washington	SSB 5540	Similar to MD and RI. Competitive bid for camera vendors.		\$500-mandatory fine; no reductions (double the regular \$250 penalty)
New York (Aniya's Law)	AB A04416—this bill is currently under consideration and would allow for cameras	Under consideration—Aniya's law deals with bussing requirements based on a residency's proximity to the school	\$150,000 grant for 12 school districts	

Chapter 273

(Senate Bill 679)

AN ACT concerning

Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

FOR the purpose of authorizing a ~~county board of education~~ law enforcement agency, in consultation with a ~~certain local law enforcement agency~~ county board of education, to place school bus monitoring cameras on county school buses for the purpose of recording a motor vehicle committing a violation relating to overtaking and passing school vehicles, if authorized by a local law enacted by the governing body of the local jurisdiction; ~~requiring a school bus operator to give a recording of the violation to a certain local law enforcement agency~~; requiring a ~~recording~~ recorded image made by a school bus monitoring camera to include certain images and information; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; providing for the payment of fines imposed and the distribution of revenues collected as a result of violations enforced by school bus monitoring cameras; requiring a certain local law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain period of time; providing for the contents of a certain citation; authorizing a local law enforcement agency to mail a warning instead of a citation; authorizing a person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a school bus monitoring camera; requiring the District Court to provide certain evidence to a local law enforcement agency under certain circumstances; authorizing a local law enforcement agency to mail a certain notice within a certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or suspend the registration of a motor vehicle under certain circumstances; ~~establishing that a violation for which a civil penalty may be imposed under this Act is a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may be considered for certain insurance purposes~~; requiring the Chief Judge of the District Court, in consultation with certain local law enforcement agencies, to adopt certain procedures; providing that a proceeding for a certain violation recorded by a school bus monitoring camera is under the exclusive original jurisdiction of the District Court;

providing that a recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a certain proceeding under certain circumstances; defining certain terms; and generally relating to the use of school bus monitoring cameras to enforce offenses relating to overtaking and passing school vehicles.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), ~~7–302(e)~~, and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–706
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–706.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

4–401.

Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, § **21–706.1**, § 21–809, or § 21–810 of the Transportation Article or § 10–112 of the Criminal Law Article;

7–302.

(e) (1) A citation issued pursuant to § 21–202.1, § **21–706.1**, § 21–809, or § 21–810 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having

venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a traffic control signal monitoring system or speed monitoring system, including a work zone speed control system, controlled by a political subdivision **OR A SCHOOL BUS MONITORING CAMERA** shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a traffic control signal monitoring system [or], a speed monitoring system, **OR A SCHOOL BUS MONITORING CAMERA** in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using A traffic control signal monitoring [systems or] **SYSTEM**, speed monitoring [systems] **SYSTEM**, [or a] work zone speed control system, **OR SCHOOL BUS MONITORING CAMERA** that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

(4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems **OR SCHOOL BUS MONITORING CAMERAS**, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems **OR SCHOOL BUS MONITORING CAMERAS**; and

2. Subject to subparagraph (ii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(a) A recorded image of a motor vehicle produced by a traffic control signal monitoring system in accordance with § 21-202.1 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of § 21-202(h) of the Transportation Article without authentication.

(b) A recorded image of a motor vehicle produced by a speed monitoring system in accordance with § 21-809 or § 21-810 of the Transportation Article is admissible in a proceeding concerning a civil citation issued under that section for a violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

(c) A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A SCHOOL BUS MONITORING CAMERA IN ACCORDANCE WITH § 21-706.1 OF THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION OF § 21-706 OF THE TRANSPORTATION ARTICLE WITHOUT AUTHENTICATION.

(D) In any other judicial proceeding, a recorded image produced by a traffic control signal monitoring system, speed monitoring system, [or] work zone speed control system, **OR SCHOOL BUS MONITORING CAMERA** is admissible as otherwise provided by law.

Article – Transportation

21-706.

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

21-706.1.

(a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT AGENCY OF A LOCAL POLITICAL SUBDIVISION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.

(3) (I) "OWNER" MEANS THE REGISTERED OWNER OF A MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS OR MORE.

(II) "OWNER" DOES NOT INCLUDE:

1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY; OR

2. A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.

(4) "RECORDED IMAGE" MEANS IMAGES RECORDED BY A SCHOOL BUS MONITORING CAMERA:

(I) ON:

1. TWO OR MORE PHOTOGRAPHS;

2. TWO OR MORE MICROPHOTOGRAPHS;

3. TWO OR MORE ELECTRONIC IMAGES;

4. VIDEOTAPE; OR

5. ANY OTHER MEDIUM; AND

(II) SHOWING THE REAR OF A MOTOR VEHICLE AND, ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

(5) "SCHOOL BUS MONITORING CAMERA" MEANS A CAMERA PLACED ON A SCHOOL BUS THAT IS DESIGNED TO CAPTURE A RECORDED IMAGE OF A DRIVER OF A MOTOR VEHICLE COMMITTING A VIOLATION.

(6) "VIOLATION" MEANS A VIOLATION OF § 21-706 OF THIS SUBTITLE.

(B) (1) (I) If a school bus operator witnesses a violation [of § 21-706 of this subtitle], the operator may promptly report the violation ~~to a law enforcement~~ ~~AN~~ to a law enforcement agency exercising jurisdiction where the violation occurred.

[(2)] (II) The report, to the extent possible, shall include:

[(i)] 1. Information pertaining to the identity of the alleged violator;

[(ii)] 2. The license number and color of the vehicle involved in the violation;

[(iii)] 3. The time and location at which the violation occurred; and

[(iv)] 4. An identification of the vehicle as an automobile, station wagon, truck, bus, motorcycle, or other type of vehicle.

[(b)] (2) If the identity of the operator of the vehicle at the time the violation occurred cannot be established, the ~~[law enforcement]~~ agency shall issue to the registered owner of the vehicle, a warning stating:

[(1)] (I) That a report of a violation [of § 21-706 of this subtitle] was made to the ~~[law enforcement]~~ agency and that the report described the owner's vehicle as the vehicle involved in the violation;

[(2)] (II) That there is insufficient evidence for the issuance of a citation;

[(3)] (III) That the warning does not constitute a finding that the owner is guilty of the violation; and

[(4)] (IV) The requirements of § 21-706 of this subtitle.

(C) (1) ~~(H)~~ A SCHOOL BUS MONITORING CAMERA MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

~~(H)~~ (2) IF AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION, A COUNTY BOARD OF EDUCATION LAW ENFORCEMENT AGENCY, IN CONSULTATION WITH AN AGENCY THE COUNTY BOARD OF EDUCATION, MAY PLACE SCHOOL BUS MONITORING CAMERAS ON COUNTY SCHOOL BUSES.

~~(2) IF A SCHOOL BUS MONITORING CAMERA RECORDS A VIOLATION, THE SCHOOL BUS OPERATOR SHALL GIVE THE RECORDING OF THE VIOLATION TO AN AGENCY EXERCISING JURISDICTION WHERE THE VIOLATION OCCURRED.~~

(D) A ~~RECORDING~~ RECORDED IMAGE BY A SCHOOL BUS MONITORING CAMERA UNDER THIS SECTION INDICATING THAT THE DRIVER OF A MOTOR VEHICLE HAS COMMITTED A VIOLATION SHALL INCLUDE:

- (1) AN IMAGE OF THE MOTOR VEHICLE;
- (2) AN IMAGE OF THE MOTOR VEHICLE'S REAR LICENSE PLATE;
- (3) THE TIME AND DATE OF THE VIOLATION; AND
- (4) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION.

(E) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER OR, IN ACCORDANCE WITH SUBSECTION (H)(5) OF THIS SECTION, THE DRIVER OF A MOTOR VEHICLE IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR VEHICLE IS RECORDED BY A SCHOOL BUS MONITORING CAMERA DURING THE COMMISSION OF A VIOLATION.

(2) A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED ~~\$500~~ \$250.

(3) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL PRESCRIBE:

(I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION (F)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE; AND

(II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL PENALTY WITHOUT APPEARING IN DISTRICT COURT.

(F) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, A LAW ENFORCEMENT AGENCY SHALL MAIL TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION A CITATION THAT SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE;

(II) THE REGISTRATION NUMBER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION;

(III) THE VIOLATION CHARGED;

(IV) TO THE EXTENT POSSIBLE, THE LOCATION OF THE VIOLATION;

(V) THE DATE AND TIME OF THE VIOLATION;

(VI) A COPY OF THE RECORDED IMAGE;

(VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY WHICH THE CIVIL PENALTY MUST BE PAID;

(VIII) A SIGNED STATEMENT BY A TECHNICIAN EMPLOYED BY THE LAW ENFORCEMENT AGENCY THAT, BASED ON INSPECTION OF RECORDED IMAGES, THE MOTOR VEHICLE WAS BEING OPERATED DURING THE COMMISSION OF A VIOLATION;

(IX) A STATEMENT THAT RECORDED IMAGES ARE EVIDENCE OF A VIOLATION; AND

(X) INFORMATION ADVISING THE PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION:

1. OF THE MANNER AND TIME IN WHICH LIABILITY AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT; AND

2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY AND MAY RESULT IN REFUSAL OR SUSPENSION OF THE MOTOR VEHICLE REGISTRATION.

(2) THE LAW ENFORCEMENT AGENCY MAY MAIL A WARNING NOTICE IN PLACE OF A CITATION TO THE OWNER LIABLE UNDER SUBSECTION (E) OF THIS SECTION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (H)(5) OF THIS SECTION, A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER THE ALLEGED VIOLATION.

(4) A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY:

(I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE COUNTY ~~OR THE DISTRICT COURT~~; OR

(II) ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION.

(G) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OCCURRED, SWORN TO OR AFFIRMED BY A DULY AUTHORIZED AGENT OF ~~THE~~ A LAW ENFORCEMENT AGENCY, BASED ON INSPECTION OF RECORDED IMAGES PRODUCED BY A SCHOOL BUS MONITORING CAMERA SHALL BE EVIDENCE OF THE FACTS CONTAINED IN THE CERTIFICATE AND SHALL BE ADMISSIBLE IN ANY PROCEEDING CONCERNING THE ALLEGED VIOLATION.

(2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A PREPONDERANCE OF EVIDENCE.

(H) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A VIOLATION:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

(III) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT COURT DEEMS PERTINENT.

(2) IN ORDER TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION, THE OWNER MUST SUBMIT PROOF THAT A POLICE REPORT ABOUT THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS FILED IN A TIMELY MANNER.

(3) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN THE CITATION SHALL PROVIDE TO THE DISTRICT COURT EVIDENCE TO THE SATISFACTION OF THE DISTRICT COURT OF WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION, INCLUDING, AT A MINIMUM, THE OPERATOR'S NAME AND CURRENT ADDRESS.

(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A CITATION THAT INVOLVES A CLASS E (TRUCK) VEHICLE WITH A REGISTERED GROSS WEIGHT OF 26,001 POUNDS OR MORE, CLASS F (TRACTOR) VEHICLE, CLASS G (TRAILER) VEHICLE OPERATED IN COMBINATION WITH A CLASS F (TRACTOR) VEHICLE, AND CLASS P (PASSENGER BUS) VEHICLE.

(II) TO SATISFY THE EVIDENTIARY BURDEN UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE PERSON NAMED IN A CITATION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PROVIDE TO THE DISTRICT COURT A LETTER, SWORN TO OR AFFIRMED BY THE PERSON AND MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT:

1. STATES THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION; AND

2. PROVIDES THE NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER OF THE PERSON WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(5) (I) IF THE DISTRICT COURT FINDS THAT THE PERSON NAMED IN THE CITATION WAS NOT OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION OR RECEIVES EVIDENCE UNDER PARAGRAPH (4)(II)2 OF THIS SUBSECTION IDENTIFYING THE PERSON DRIVING THE VEHICLE AT THE TIME OF THE VIOLATION, THE CLERK OF THE COURT SHALL PROVIDE TO THE LAW ENFORCEMENT AGENCY ISSUING THE CITATION A COPY OF ANY EVIDENCE SUBSTANTIATING WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(II) ON THE RECEIPT OF SUBSTANTIATING EVIDENCE FROM THE DISTRICT COURT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~AN~~ THE LAW ENFORCEMENT AGENCY MAY ISSUE A CITATION AS PROVIDED IN SUBSECTION (F) OF THIS SECTION TO THE PERSON THAT THE EVIDENCE INDICATES WAS OPERATING THE VEHICLE AT THE TIME OF THE VIOLATION.

(III) A CITATION ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE MAILED NO LATER THAN 2 WEEKS AFTER RECEIPT OF THE EVIDENCE FROM THE DISTRICT COURT.

(I) IF THE CIVIL PENALTY IS NOT PAID AND THE VIOLATION IS NOT CONTESTED, THE ADMINISTRATION MAY REFUSE TO REGISTER OR REREGISTER OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

~~(J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:~~

~~(1) IS A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;~~

~~(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND~~

~~(3) MAY BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.~~

~~(K)~~ (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION:

(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE VEHICLE;

(2) MAY BE TREATED AS A PARKING VIOLATION FOR PURPOSES OF § 26-305 OF THIS ARTICLE; AND

(3) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(K) IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT PROCEDURES FOR THE ISSUANCE OF CITATIONS, ~~THE TRIAL OF~~ TRIALS FOR VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.